

**DELEGATION OF MATTERS TO THE EXECUTIVE DIRECTOR
OF THE TEXAS COMMISSION ON ENVIRONMENTAL
QUALITY**

CHAPTER 1065

H.B. No. 3177

AN ACT

relating to the delegation of matters to the executive director of the Texas Commission on Environmental Quality.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 5.122(a), Water Code, is amended to read as follows:

(a) The commission by rule or order may delegate to the executive director the commission's authority to act on an application or other request to issue, renew, reopen, transfer, amend, extend, withdraw, revoke, terminate, or modify a permit, license, certificate, registration, or other authorization or approval if:

(1) required notice of the application or request for the authorization or approval has been given;

(2) the holder of or applicant for the authorization or approval agrees in writing to the action to be taken by the executive director; and

(3) the application or request:

(A) is uncontested and does not require an evidentiary hearing; ~~or~~

(B) *has become uncontested before parties are named because each person who requested a contested case hearing within the time allowed by law has:*

(i) withdrawn the request for a contested case hearing without condition;

(ii) withdrawn the request for a contested case hearing conditioned only on the withdrawal of all other hearing requests; or

(iii) agreed in writing to allow the executive director to make a final decision on the matter; or

(C) has become uncontested because all parties have agreed in writing to the action to be taken by the executive director.

SECTION 2. Section 5.351, Water Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsection (b), a person affected by a ruling, order, or decision on a matter delegated to the executive director under Section 5.122 or other law may, after exhausting any administrative remedies, file a petition to review, set aside, modify, or suspend the ruling, order, or decision not later than the 30th day after:

(1) the effective date of the ruling, order, or decision; or

(2) if the executive director's ruling, order, or decision is appealed to the commission as authorized by Section 5.122(b) or other law, the earlier of:

(A) the date the commission denies the appeal; or

(B) the date the appeal is overruled by operation of law in accordance with commission rules.

SECTION 3. The changes in law made by this Act apply only to a final decision made by the executive director of the Texas Commission on Environmental Quality under Section 5.122, Water Code, as amended by this Act, on or after the effective date of this Act. A final decision made by the executive director before the effective date of this Act is governed by the law in effect at the time the final decision was made, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2017.

Passed by the House on May 4, 2017: Yeas 143, Nays 0, 2 present, not voting; the

House concurred in Senate amendments to H.B. No. 3177 on May 21, 2017: Yeas 136, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 19, 2017: Yeas 31, Nays 0.

Approved June 15, 2017.

Effective September 1, 2017.

**USE OF A BROKER FOR THE SALE OR LEASE OF REAL
PROPERTY BY THE DALLAS COUNTY HOSPITAL DISTRICT**

CHAPTER 1066

H.B. No. 3178

AN ACT

relating to the use of a broker for the sale or lease of real property by the Dallas County Hospital District.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter C, Chapter 281, Health and Safety Code, is amended by adding Section 281.059 to read as follows:

Sec. 281.059. DALLAS COUNTY HOSPITAL DISTRICT; BROKER AGREEMENTS AND FEES FOR SALE OF REAL PROPERTY. (a) *In this section:*

(1) *"Broker" means a person licensed as a broker under Chapter 1101, Occupations Code.*

(2) *"District" means the Dallas County Hospital District.*

(b) *Except as provided by Subsection (c), the Dallas County Hospital District may contract with a broker to lease or sell a tract of real property that is owned by the district.*

(c) *The district may not contract with a broker who is related within the third degree of consanguinity, as determined under Chapter 573, Government Code, to:*

(1) *a member of the board of hospital managers of the district; or*

(2) *a public official who serves on the Dallas County Commissioners Court.*

(d) *The district may pay a fee if a broker produces a ready, willing, and able buyer to purchase a tract of real property.*

(e) *If a contract made under Subsection (b) requires a broker to list the tract of real property for sale for at least 30 days with a multiple-listing service used by other brokers in the county in which the real property is located, the district, on or after the 30th day after the date the property is listed, may sell the tract of real property to a ready, willing, and able buyer who is produced by any broker, including a broker described by Subsection (c), using the multiple-listing service and who submits the most advantageous offer.*

(f) *The district must post a notice of intent to sell the real property in a newspaper of general circulation, not less than once, at least 14 days before the date the district accepts an offer produced by a broker.*

(g) *The district may sell a tract of real property under this section without complying with the requirements of Section 272.001, Local Government Code.*

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Passed by the House on May 4, 2017: Yeas 140, Nays 0, 5 present, not voting; the House concurred in Senate amendments to H.B. No. 3178 on May 24, 2017: Yeas 138, Nays 0, 4 present, not voting; passed by the Senate, with amendments, on May 22, 2017: Yeas 30, Nays 0, 1 present, not voting.

Approved June 15, 2017.